

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag. I enjoy the flexibility and control that technology gives me. I can be more than a passive recipient of content; I can modify, create and participate. Technology currently gives me more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did not. (Sony did not own a movie studio at the time.) Diamond Multimedia invented the MP3 player -- a recording label did not. Unfortunately, the broadcast flag has the potential to put an end to that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized. If we allow the content industry to "lock in" the definition of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all consumers rather than enable those who would restrict consumer rights. In the case of the broadcast flag, it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only to be cracked once, and it will propagate rapidly across the Internet. So, while I may be required to purchase consumer electronic devices that cost more and allow me to do less, piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.

Let me add my personal comments to this standard message. I have never pirated or copied one single instance of the digital representation of any audio or video content. I find the efforts on the part of the RIAA and the MPAA an attempt to pay off our government to legislate in effect a business model (pay by the play or pay by the drink) that the providers of these products have failed to establish in the marketplace. In other words, the RIAA and the MPAA hold up digital piracy as the great evil which needs to be fought against, when in fact what they are trying to get you to do is cast in law a business model that they have failed to establish in the marketplace - for a variety of good reasons. Ask yourself why you are where you are. Are you a puppet destined to do what the highest bribe entices you to do? Or are you able to make a clear distinction between the interests of content creators, the content mafia (RIAA and MPAA) and content consumers? You have an opportunity to make a set of decisions that will foster great innovation and growth in our industry. Please do not fail in the name of succumbing to the highest bidder.

Best Regards,

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